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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF ARIZONA

9 James Winston and Martha Winston,
Husband and Wife,

NO. CIV-04-0342-PHX-SMM

10 Plaintiffs,

ORDER

11 v.

12 American Family Mutual Insurance
13 Company,

14 Defendant.

15
16 Pending before the Court is Defendant American Family Mutual Insurance's
17 Motion for Sanctions; Motion to Reset the Final Pretrial Conference and Extend
18 Deadlines. (Dkt. 99.)

19 On November 7, 2006, Defendant filed the instant Motion requesting sanctions
20 against Plaintiffs and their attorney for failure to comply with the Court's Final Pretrial
21 Conference Order and orders extending the deadline for the parties to file a proposed
22 Joint Final Pretrial Order. (Dkt. 99.) Defendant argued that Plaintiffs' counsel failed to
23 participate in good faith in the preparation of the proposed Joint Pretrial Order and
24 requested the Court to dismiss the case. In the alternative, Defendant requested that the
25 Final Pretrial Conference set for November 28, 2006 be rescheduled and the deadline for
26 the parties to submit a proposed Joint Pretrial Order be extended. (Dkt. 99 at 1-2.)

1 On November 14, 2006, the Court vacated the Final Pretrial Conference
2 scheduled to take place on November 28, 2006, rescheduled the Final Pretrial
3 Conference for January 17, 2007, and permitted the parties to file a proposed Joint
4 Pretrial Order no later than December 15, 2006. (Dkt. 100.) These measures were taken
5 because the Court determined that counsel for *both parties* had failed to comply with the
6 Court's Final Pretrial Conference Order. See id. at 2-3. After reviewing the proposed
7 Joint Pretrial Order submitted on November 6, 2006, and the exhibits attached to
8 Defendant's Motion, the Court was unable to determine whether counsel for one party
9 was solely at fault. However, because the proposed Joint Pretrial Order failed to comply
10 with the Court's Final Pretrial Order, the Court was forced to reschedule the Final
11 Pretrial Conference and extend the time for the parties to file a proposed Joint Pretrial
12 Order. Accordingly,

13 **IT IS HEREBY ORDERED DENYING** Defendant's Motion for Sanctions;
14 Motion to Reset the Final Pretrial Conference and Extend Deadlines. (Dkt. 99.)

15 DATED this 1st day of February, 2007.

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19 Stephen M. McNamee
20 United States District Judge
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